

Notice of Allowability

Application No.

09/783,795

Examiner

Sandra M. Nolan

Applicant(s)

BENSUR, FRANCIS J.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response dated 25 June 2004.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☒ The drawings filed on 15 February 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

S. M. Nolan

SANDRA M. NOLAN
PRIMARY EXAMINER

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. The base claims of the application are claims 1, 13, 20 and 24. They can be summarized as follows:

Claim 1 covers a pouch that includes one or more sheets comprising:

-a polyester outer layer,

-a polypropylene inner layer,

-a solventless aliphatic polyurethane laminating adhesive applied to at least one of the layers of an adjacent pair of same, which adhesive contains exfoliated clay platelets that form a gas barrier,

wherein the pouch includes a storage space enclosed by the sheet(s).

Claim 13 covers a laminated material for use in a retortable pouch, the material comprising:

-a polyester first layer,

-a polyamide second layer attached to the first layer by a first solventless laminating adhesive applied to at least one of the first and second layers, which adhesive contains clay platelets, and

-a polypropylene third layer attached to the second layer with a second solventless adhesive.

Claim 20 covers a laminated material for use in a retortable pouch, the material comprising:

-a polyester first layer,

-a polypropylene second layer attached to the first layer by a first solventless laminating adhesive applied to at least one of the first and second layers, which adhesive contains clay platelets.

Claim 24 covers a flexible laminate for a pouch, the laminate comprising:

- a polyester film first layer,
- a polypropylene film second layer,
- a laminating adhesive applied to at least one of the first and second layers, which adhesive contains polyurethane and clay platelets.

3. The prior art of record fails to teach or suggest pouches or laminates having all of the features recited in the base claims.

4. The amendments in the 25 June 2004 response overcame all 35 USC 12 rejections made in the 24 March 2004 office action.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Citation as of Interest

6. Janoski (US 5,421,876) teaches solvent-free organoclay-filled asphaltic polyurethane adhesives.

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Conclusion

Any inquiry concerning this communication should be addressed to Sandra M. Nolan, at telephone number 571/272-1495. She can normally be reached Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If attempts to reach the examiner are unsuccessful, her supervisor, Harold Pyon, can be reached at 571/272-1498.

The fax number for patent application documents is 703/872-9306.



S. M. Nolan
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09783795(20040907)

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